CHIEF SECRETARIAT

(GENERAL ADMINISTRATION DEPARTMENT)

(INTEGRATION)

Dated 4th July 1972.

No. GAD 53 INS 72. The final Inter State Seniority List of the Non-Gazetted Officers (Ministerial Cadres) of the Medical Department was published in accordance with the decisions of the Government of India in Part III-1 of the *Mysore Gazette* dated 21st September 1967 under Notification No. GAD 53 INS 67, dated 8th September 1967. In that list the name of Sri A. Lakshminarayana has been included at Sl. No. 29 of the list of II Division Clerks on the basis of the position he held as on 31st October 1956. Aggrieved by the position assigned to him in the final Inter State Seniority List, he filed writ petition No. 2717 of 1967. The High Court of Mysore while disposing the above said writ petition by their order dated 2nd June 1972, has directed the Central Government to examine the case of the petitioner and insert his name in the final Inter State Seniority List at appropriate place in the list of I Division-Clerks of the Medical Department, after giving him and other persons likely to be affected by the decisions of the Central Government an opportunity of making representations. (The judgement of the High Court is annexed).

It is notified for the information of all the concerned officers that representations in terms of the directions of the court may be submitted in *six sets* within a month from the date of publication of this notification in the *Mysore Gazette* addressed to the Secretary to the Government of India, Department of Personnel, Cabinet Secretariat, New Delhi-1, through the Director of Health and Family Planning Services in Mysore, Bangalore for consideration and disposal by the Government of India in terms of the directions of the High Court.

By Order and in the name of the Governor of Mysore,

B. P. PATIL,
Deputy. Secretary. to Govt.,
General Administration Department (Integration).

ANNEXURE

IN THE HIGH COURT OF MYSORE AT BANGALORE

Dated the 2nd day of June 1972.

Present

The Hon'ble Mr. A. Narayana Pai, *Chief Justice*

and

The Hon'ble Mr. *Justice* S. R. Rangegowda

Writ petition No. 2717 of 1967.

A. Lakshminarayana, son of Subramanya Bhatta, age 50 years, No. 69, Surveyor Street, Bangalore-4.

Petitioner.

(By Sri M. Rama Jois)

Vs.

1 The Union of India by its Secretary, Ministry of Home Affairs, New Delhi.

2 The State of Mysore by its Chief Secretary, Vidhana Soudha, Bangalore.

3 The Director of Health Services in Mysore, Bangalore

4 Surat Singh, Secretary, Victoria Hospital, Bangalore

5 G. H. Katti, Secretary, P. K. Sanitorium, Mysore.

6 P. V. Munavalli, Secretary, Mental Hospital, Dharwar.

7 P. B. Sundar, Secretary, Civil Hospital, Belgaum.

8 K. N. Narayanaswamy, Secretary S.D S. Sanitorium, Bangalore.

9 V. G. Kulkarni, Secretary, Mental Hospital, Bangalore.

10 B. H. Tejarama Singh, Secretary, Wenlock Hospital, Bangalore.

11 Smt. Kanakadas, Secretary, Medical College, Bangalore.

12 B. H. Krishna Murthy, Secretary, K. R. Hospital, Mysore.

13 B. Venkatarama Iyengar, Secretary-*cum*-Stock Verifier, Government Medical Stores, Bangalore.

14 Syed Salar, Secretary, Karnatak Medical College, Hubli.

15 H. Syed Mahamood, Secretary, Bangalore Medical College, Bangalore.

16 G. N. Seetharam, Secretary, Bangalore Medical College, Bangalore.

17 L. B. Byadgi, Secretary, District Hospital, Gulbarga.

18 A. Annamali, Secretary. K. N. Santorij, Kolar

19 M. Viswanathiah, Manager Gr. II., Government Medical Stores, Bangalore.

20 V. Vishalakshi, Gazetted Assistant to the Assistant Director (NSIC) 11, Kumara Park West, III Main Road, V Block, Bangalore-20.

21 M. N. Rukmasa, Secretary, H. S. I. S. Gosha Hospital, Bangalore.

22 R. T. Gramapurohit, Secretary, Head quarters Hospital, Bellary.

23 G. N. Joshi, Secretary, ESI. Hospital, Rajajinagar, Bangalore.

24 G. M. Hallur, Superintendent of Audit Squad, Health Directorate, Ananda Rao Circle, Bangalore-9.

25 K. Giriyappa Thingalaya, Accot. Superintendent, Assistant Director, ESIS. Office, No. 11, 3rd Main Road, V Block, Kumarapark West, Bangalore.

26 Smt. Chits Bai, I Division Clerk, K. M. C. Hubli (on leave).

27 Abdul Khayam, Manager Gr. I, Karnatak Medical College Hospital, Hubli.

28 G. Keshava Rao, Manager Gr. I, Bangalore Medical College, Bangalore.

29 S. Durappa, Manager, Gr. I, Public Health Institute, Bangalore.

30 Sultan Mohiddin, Manager Gr. I, Medical College, Mysore.

31 Y. G. Sarojini, Manager Gr. I, Health Directorate, Bangalore-9.

32 D. Prahalada Rao, Manager Gr. I, Health Directorate, Bangalore.

33 H. K. Shanthaveeraiah, Manager, Gr. I, Health Directorate, Bangalore.

34 H. S. Abdul Razack, Manager Gr. II, Health Direotorate, Bangalore.

35 C. R. Sreekantaiah, OOD. in General Despatching Section, Vidhana Soudha, Bangalore.

36 O. S. Karunakara Mudaliar, Special Division, Clerk, Medical College, Bellary.

37 Annie Kamala, Special Division Clerk, A.D. (ESIC) Office, 11, 3rd Main Road, 7th Block, Kumarapark West, Bangalore.

38 Sri K. Soma Rao, Special Division Clerk, A. D. ESI. Hospital, Rajajinagar, Bangalore.

39 M. N. Prasad, Special Division Clerk, Civil Hospital, Belgaum.

40 Mohammed Siddique, Special Division Clerk, K. M. C. Sanetorium, Mysore.

41 K. N. Basavachari, Special Dn. Clerk, P. N. Sanetorium, Mysore.

42 H. S. Sadasivaiah, Special Division, Clerk, Dental College, Bangalore-1.

43 B. M. Mallaradhya, Special Division, Clerk, Health Directorate, Bangalore-9.

44 Smt. B. Rukmani, Special Division Clerk, Health Directorate, Bangalore-9.

45 R. Rudraiah, Special Division Clerk, K. C. General Hospital, Bangalore.

46 S. M. S. Hussain, Special Division Clerk, Health Directorate, Bangalore-9.

47 K. Nanjundaiah, Special Division Clerk, Health Directorate, Bangalore-9.

48 B. M. Gargaiah, Special Division Clerk, District Hospital, Tumkur. ... *Respondents.*

(By Sri P. K. Shayamasundar H. C. G. P. for Respdt. 1 and 2, B. G. Sridharan for R-23 other Respondents served)

Writ petition under Article 226 of the constitution of India with an affidavit praying that in the circumstances stated therein this court may be pleased to direct respondents 1 and 2 to correct the final inter state seniority list of non-gazetted officers (Ministerial cadres) of the medical department and etc.,

This writ petition coming on for hearing this day, Chief justice made the following:—

ORDER

The petitioner, who was working in the Civil station before it was retroceded to the Govenment of the erstwhile State of Mysore, had his services absorbed in the Medical Department of the erstwhile State of Mysore as a clerk. The question of relative seniority inter-se the clerks of the Old Mysore State and the petitioner was a matter which had been left undecided by the Government of the Old Mysore State and was therefore decided by the Government of the New Mysore State. On the basis of the decision so taken, the petitioner was assigned rank No. 33 in the provisional ISS list of the first Divisional clerks of the medical department.

2. In the final ISS List his name does not find a place any where in the category of first division clerks of the medical department.

3. In the interim, the State Government appear to have further considered his claim for the benefit of previous service and have made a certain amended order regarding salary on 5th March 1968 indicating commencement of his service as from 1st December 1948.

4. The Government pleader states that the said last mentioned opinion of the State Government has been forwarded to the Central Government as the integrating authority.

5. The omission of the petitioner's name in the final inter state seniority list directly invokes the decision of this court in the case of S.K. Potti *Vs.* Union of India 1969 (1) Mysore Law Journal 325.

6. We therefore issue a writ directing the Central Government the 1st respondent, to examine the case of the petitioner and insert his name in the final ISS List at appropriate place in the list of I Division Clerks of the Medical Department, after giving him and other persons likely to be affected by the decisions of the Central Government an opportunity of making representations.

7. Time four months.

A. NARAYANA PAI C. *Judge.*

S. R. RANGE GOWDA, *Judge.*